

AIR POLLUTION CONTROL PERMIT

ATTAINMENT AREA MAJOR SOURCE

EI FACILITY NO. N/A

PERMIT NO. 91-CPB-062

STACK NO.(S). N/A

TYPE: Permit to Modify and Operate

SOURCE NO.(S). N/A

PERMISSION TO COMMENCE MODIFICATION ENDS EIGHTEEN (18) MONTHS FROM THE DAY THIS PERMIT IS ISSUED. ONCE A RELEASE FOR PERMANENT OPERATION HAS BEEN ISSUED, THIS OPERATING PERMIT IS PERMANENT UNLESS ALTERED, REVOKED OR SUSPENDED.

In compliance with the provisions of Chapter 144, Wis. Stats., and Chapters NR 400 to NR 499, Wis. Adm. Code,

Name of Source: Croixland Properties Limited Partnership

Street Address: 512 Second Street
Hudson, Wisconsin 54016

Principal Officer or Authorized Representative, & Title:
Burton L. Nordstrand, Chairman, Management
Committee

is authorized to modify and operate a greyhound racing facility located at County Trunk Highway "F" and Tower Road, 1.5 miles south of Interstate Highway 94, in the City of Hudson, St. Croix County, Wisconsin, as described in the plans and specifications dated June 5, 1990, September 7, 1990, October 26, 1990, November 29, 1990, January 25, 1991, February 7, 1991, February 12, 1991, February 26, 1991, and March 1, 1991, in conformity with the conditions herein.

This authorization requires compliance by the permit holder with the emission limitations, monitoring requirements and other terms and conditions set forth in Parts I and II hereof.

Dated at Madison, Wisconsin this 8th day of July, 1991.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Donald F. Theiler
Donald F. Theiler, Director
Bureau of Air Management

PART I
SPECIFIC PERMIT CONDITIONS
FOR INDIRECT SOURCES

A. Particulate Matter Emission Limitations

1. Fugitive dust emissions from the construction and operation of the source shall be prevented by taking precautionary measures which shall include, but not be limited to:
 - a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, or construction operations.
 - b) Application of asphalt, oil, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem.
 - c) Covering or securing of materials likely to become airborne while being moved on public roads, railroads, or navigable waters.
 - d) The paving or maintenance of roadways or parking lots so as not to create air pollution.

B. Carbon Monoxide Mitigation Measures

1. Before the source places more than 999 parking spaces into use, the following roadway conditions shall exist:
 - a) A divided highway having at least two lanes in each direction travels from the source's exit ramp to the interchange of Interstate Highway 94 with Carmichael Road.
 - b) The interchange of Interstate Highway 94 (I-94) with Carmichael Road has: (1) an exit ramp from eastbound I-94 having at least two lanes, (2) an exit ramp from westbound I-94, (3) an entrance ramp to eastbound I-94, and (4) an entrance ramp to westbound I-94 having at least two lanes.
 - c) If accessing westbound Interstate Highway 94 from northbound Carmichael Road requires a left-turn, then northbound Carmichael Road has at least two exclusive left-turn lanes at its intersection with the entrance ramp to westbound Interstate Highway 94.
2. The permittee shall install and operate a carbon monoxide ambient air monitoring site in conformance with the Wisconsin Department of

Natural Resources (DNR) Air Monitoring Comparability Program guidelines, which are attached to this permit. Department approval is required for the specific location and design of the monitoring site prior to installation and start-up of the monitor. The monitor shall be located at a site approved by the DNR at a location near the exit of the St. Croix Meadows Greyhound Racetrack. Operation of the monitoring site shall commence no later than the opening date of the initial racing season at the St. Croix Meadows Greyhound Racetrack.

If any exceedance of the one-hour carbon monoxide standard of 40 milligrams per cubic meter (35 parts per million) or the eight-hour carbon monoxide standard of 10 milligrams per cubic meter (9 parts per million) is detected by the monitor, the permittee shall immediately notify the DNR's Western District Air Program, 1300 Clairemont Avenue, Call Box 4001, Eau Claire, WI 54702 (telephone number: 715-839-3756) and the City of Hudson-Department of Public Works (telephone number: 715-386-9021); and submit a written report to the Department of Natural Resources, Bureau of Air Management, P.O. Box 7921, Madison, Wisconsin, 53707, within fifteen (15) calendar days after the exceedance. The report shall include: the time of the exceedance; the hourly average carbon monoxide concentrations during the time of the exceedance; the time of and attendance at any racing event held during the time of the exceedance, within 24 hours prior to the start of the exceedance, or within 12 hours after the end of the exceedance; and information on any unusual event or malfunction that may have caused the exceedance.

Regular data submittals consisting of hourly average carbon monoxide concentrations shall be submitted to the Department of Natural Resources, Bureau of Air Management, P.O. Box 7921, Madison, Wisconsin 53707, within thirty (30) days of the end of each calendar month.

3. For purposes of this condition the phrases "applicable intersections" and "applicable traffic movements" are defined.

"Applicable intersections" means all signalized intersections on Carmichael Road between the St. Croix Meadows Greyhound Racetrack and Coulee Road (I-94 North Frontage Road).

"Applicable traffic movements" means:

-All straight-ahead movements north and south on Carmichael Road between the St. Croix Meadows Greyhound Racetrack and Coulee Road (I-94 North Frontage Road).

-The eastbound Crestview Drive left-turn onto Carmichael Road.

-The eastbound I-94 exit ramp right-turn onto Carmichael Road.

-The northbound Carmichael Road left-turn onto the westbound I-94 entrance ramp.

If the carbon monoxide monitor required in condition number 2. measures an exceedance of a carbon monoxide ambient air quality standard, then the permittee shall make arrangements with the Wisconsin Department of Transportation (DOT) or the City of Hudson to procure and provide DNR with traffic volume data and traffic response signal plan information along with an analysis of this information for all applicable intersections and traffic movements between the St. Croix Meadows Greyhound Racetrack and Coulee Road for the time period beginning three hours before the start of the exceedance and ending three hours after the end of the exceedance. This information shall be submitted to the DNR's Western District Air Program, 1300 Clairemont Avenue, Call Box 4001, Eau Claire, WI 54702. This information shall be provided in a summary form to DNR in a format approved by DNR and shall be supplied to DNR no later than 30 calendar days after the exceedance.

4. The definitions of "applicable intersections" and "applicable traffic movements" in condition number 3. also apply to this condition.

If an exceedance of a carbon monoxide ambient air quality standard has been measured within two miles of the St. Croix Meadows Greyhound Racetrack, or if DNR has reason to believe that such an exceedance has occurred, DNR may request and the permittee shall make arrangements with DOT or the City of Hudson to procure and provide DNR with traffic volume and traffic response data along with an analysis of this information for all applicable intersections and traffic movements between the St. Croix Meadows Greyhound Racetrack and Coulee Road. DNR shall specify in its request the time period for which such information is requested.

If no exceedance has been measured, DNR may make this request only if DNR has reason to believe that the following information indicates an exceedance has occurred:

- a) carbon monoxide monitoring data, if available, including historical data,
- b) meteorological data,
- c) the times and attendance of events at the St. Croix Meadows Greyhound Racetrack,
- d) carbon monoxide modeling results,
- e) public comments or complaints to DNR regarding instances of poor air quality, if any, and

- f) information pertaining to traffic congestion at any of the applicable intersections, if available.

Also, if no exceedance has been measured, DNR shall include in its request written justification as to why DNR has reason to believe that an exceedance has occurred.

When requested, the information shall be submitted to the DNR's Western District Air Program, 1300 Clairemont Avenue, Call Box 4001, Eau Claire, WI 54702. This information shall be provided in a summary form to DNR in a format approved by DNR and supplied to DNR no later than 30 calendar days after the date of the request. The permittee shall make arrangements with DOT or the City of Hudson to retain the data necessary to compile this information for at least one year, irregardless of whether DNR requests the data.

5. The elapsed time between the start of any two consecutive events at the St. Croix Meadows Greyhound Racetrack shall be at least six hours.

C. Other Specific Conditions

1. Construction Progress Notification

The permittee shall send the DNR's Western District Air Program, 1300 Clairemont Avenue, Call Box 4001, Eau Claire, Wisconsin 54702, construction progress reports every 30 days until a release for permanent operation is granted.

2. Initial Operation Notification

The permittee shall notify the DNR's Western District Air Program thirty (30) days prior to initial operation of the source covered by this permit.

3. Release for Permanent Operation

This permit does authorize an initial operation period of sixty (60) days for testing (if necessary) and Department evaluation of operation to assure conformity with the permit conditions. Permanent operation of the source(s) covered by this permit after the initial operation period is prohibited until a release has been issued by the Department.

4. This permit supersedes permit number 89-CPB-003, issued to Croixland Properties Limited Partnership on July 6, 1989.

GENERAL PERMIT CONDITIONS
FOR INDIRECT SOURCES
PART II

A. Scope

This permit is valid only for the structure, building, facility, equipment or operations specifically identified herein. All emissions authorized hereby shall be consistent with the terms and conditions of Parts I and II of this permit.

B. Prevention of Air Pollution

No person may cause, allow or permit the emissions of any air contaminant into the ambient air from a source subject to this permit which substantially contribute to the exceeding of an air standard or which cause air pollution.

C. Notification Requirements

Pursuant to sec. 144.394(3), Wis. Stats., and section NR 445.05 and 439.025(6), Wis. Adm. Code, the Department shall be notified of the following events:

<u>Event</u>	<u>Timing</u>
Hazardous substance air spill	Immediate-call: (608)266-3232
Malfunction or event not reported in advance which causes or may cause any violation of an emission limitation.	Within 8 hours of onset
Noncompliance with any other condition specified in this permit	Written notification within 5 days identifying noncompliance, cause, duration, and steps taken to prevent reoccurrence.

D. Right of Entry

Pursuant to sec. 144.34, Wis. Stats., the permittee shall allow authorized representatives of the Department of Natural Resources to enter upon the permittee's premises; to have access to and copy any records required to be kept under the terms and conditions of this permit; and to make any inspection necessary to ascertain compliance.

E. Permit Alteration, Revocation, Suspension

After notice and opportunity for a hearing, as provided in sec. 144.395, Wis. Stats., this permit may be altered, suspended, or revoked in whole or in part for cause, including but not limited to, the following:

1. A significant or recurring violation of any term or condition of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
3. A change in any applicable rule; or
4. Failure to pay any required permit fees.

F. Civil Liability

Nothing in this permit shall be construed to relieve the permit holder from civil penalties under secs. 144.426, 144.96 or 144.99, Wis. Stats., for violation of the terms or conditions of this permit, or for violation of secs. 144.30 to 144.426, 144.76 and 144.96, Wis. Stats., or of any rule or any special order issued under those sections.

G. Other Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permit holder from any responsibilities, liabilities, or penalties established pursuant to any other applicable Federal, State, or local law or regulation. The issuance of this permit does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or any invasion of personal rights.

H. Records Retention

All records and information resulting from any monitoring activities required by this permit shall be retained by the permittee for a minimum of three years (or longer if requested by the Department) pursuant to section NR 439.03, Wis. Adm. Code.

I. Reporting

Reports required by Part I of this permit, if any, shall be signed by an authorized representative of the permittee.

J. Confidential Information

Except for information determined to be confidential under sec. 144.33, Wis. Stats., any information or reports received by the Department in the permit application process, or subsequently obtained, will be available for public inspection at the offices of the Department of Natural Resources.

K. Notification of Transfer

In the event of a transfer of control of operation or ownership of the source, the permittee, prior to such transfer, shall notify its successor by letter of the need for a permit. A copy of this letter shall be forwarded to the Department.

L. Nonexempt Modifications

"Modification" means any change in the physical size or method of operation of a stationary source which:

- (1) increases the potential amount of emissions of an air contaminant;
- (2) results in the emission of an air contaminant not previously emitted;
or
- (3) results in the violation of an ambient air increment.

Any modification of the source(s) subject to this permit is prohibited unless the modification is an exempt modification or the modification is authorized by a permit. The following changes in method of operation are exempt modifications if the specified change does not cause or exacerbate the violation of an ambient air quality standard or increment and if the change in method of operation does not result in the violation of any other term or condition of this permit:

1. An increase in production rate if that increase does not exceed the operating design capacity of the source.
2. An increase in the hours of operation of the source.
3. Use of an alternate fuel or raw material if the source is designed to burn or use the alternate fuel or raw material and if that information is included in the plans, specifications and other information submitted under sec. 144.392(2), Wis. Stats. or under sec. 144.39(1), Wis. Stats. (1977).
4. Resumption of operation of a source after a period of closure if the existing equipment was continuously included in the source inventory as an existing source covered by plans under sec. 144.31(1)(f), Wis. Stats.
5. A change in ownership of the source.

M. Replacement

Unless authorized by a permit, replacement of the source(s) covered by this permit is prohibited.

N. Circumvention

Pursuant to section NR 439.08, Wis. Adm. Code, the installation or use of and article, machine, equipment, process, or method, which conceals an emission which would otherwise constitute a violation of an applicable rule is prohibited unless written approval has been obtained from the Department. Such concealment includes, but is not limited to, the use of

gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size.

O. Forfeitures

In addition to other penalties or remedies, sec. 144.426, Wis. Stats., provides that any person who violates this permit shall forfeit not less than \$10 nor more than \$25,000 for each violation. Each day of continued violation is a separate offense.

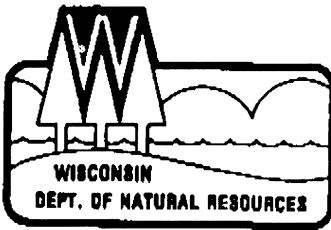
P. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Q. Notice of Appeal Information

Under section 144.403, Wisconsin Statutes, any permit, part of a permit, decision or determination by the Department under sections 144.391 to 144.402, Wisconsin Statutes, becomes effective unless the permittee or applicant seeks a hearing by filing a petition with the Department within 30 days after the date of the action sought to be reviewed. The petition must name the Wisconsin Department of Natural Resources as respondent. It must also set forth specifically the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted, and the relief desired.

4154C



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

George E. Meyer
Secretary

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897
AIR MGMT FAX 608-267-0560

April 28, 1994

File Code: 4509

The Honorable Alice Clausing
State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

SUBJECT: Air Pollution Control Permit 90-CPB-068A (Monitor Relocation Near Hudson)

Dear Senator Clausing:

Thank you for commenting on the proposed relocation of the ambient carbon monoxide air quality monitor at the intersection of Interstate Highway 94 (I-94) and Carmichael Road. As you know, the Department of Transportation (DOT) has requested permission from the Department of Natural Resources (DNR) to relocate their ambient carbon monoxide monitor from the I-94/Carmichael Road intersection near Hudson, to a site in Wildcat Mountain State Park. The DNR has preliminarily determined that the relocation is approvable, based on these facts:

1. Monitoring data collected since December, 1991, indicate that the National Ambient Air Quality Standards (NAAQS) for carbon monoxide were attained and maintained (see Table). In fact, the values for an eight-hour averaging period were less than 30% of the standard, while values for a one-hour averaging period were 10% of NAAQS or less.
2. The DNR is aware that attendance at the St. Croix Meadows Dog Track fell short of expectations, and that this may be the primary reason for the low carbon monoxide concentrations at the monitor. But, as you may or may not be aware of, a second carbon monoxide monitor exists much closer to the dog track. Attached, you will find a copy of a map of the area, with both monitors located. Since the map is older, the dog track and the improvements to I-94 are not shown.



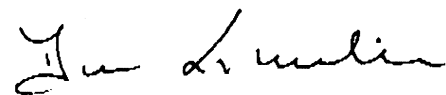
CARBON MONOXIDE CONCENTRATIONS HUDSON - DOT MONITOR (All Concentrations in ppm)					
YEAR		1-HR (NAAQS: 35.0)		8-HR (NAAQS: 9.0)	
		CONCEN.	% NAAQS	CONCEN.	% NAAQS
1991	HIGHEST	3.5	10.0	2.5	27.8
	2 ND HIGH	3.4	9.7	2.0	22.2
1992	HIGHEST	2.8	8.0	2.4	26.7
	2 ND HIGH	2.7	7.7	1.9	21.1
1993	HIGHEST	3.4	9.7	2.4	26.7
	2 ND HIGH	2.8	8.0	2.3	25.6

An automobile will emit more carbon monoxide while the engine is cold and less when it is warm. Vehicles passing the monitor located at I-94 and Carmichael Road are already warmed up, and their emission of carbon monoxide are lower than when they initially started. Regardless of the amount of traffic passing the monitor, the worst case would be when these autos are just starting up. Because a monitor exists closer to the dog track, where these vehicles would be running with a cold engine, the DNR feels it can approve the relocation of the DOT monitor to a more efficient place.

A letter was sent to Henry M. Paulson, Director of Public Works, City of Hudson, on April 14 of this year, in response to his comment on the proposed monitor relocation. His comments and concerns were similar to yours. In the letter from the DNR to Mr. Paulson, the same monitoring data, the same map, and the same reasons for approval as presented in this letter, were given.

If you have any further comments or questions, please contact John Roth of my staff at (608) 267-0805.

Sincerely,



Don Theiler, Director
Bureau of Air Management

Attachment

cc: John Roth - AM/7



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
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TDD 608-267-6897

March 28, 1994

File Code: 4509
FID #: 90-CPB-068A

Mr. Norman G. Ewert
Wisconsin Department of Transportation
District 6
718 West Clairemont Avenue
Eau Claire, Wisconsin 54701-5108

SUBJECT: Permit Revision for the Interchange of I-94 and Carmichael
Road (St. Croix County)

Dear Mr. Ewert:

The Planning Section, Bureau of Air Management, of the Department of Natural Resources has preliminarily reviewed the air pollution control permit application regarding the revision to permit 90-CPB-068A for the interchange of Carmichael Road with I-94.

The section has prepared an analysis of the revision and has made a preliminary determination that it is approvable. The Department has preliminarily determined that the following emission limitations and special permit conditions should be included in any permit which may be issued by the Department.

Preliminary Emission Limitations and Permit Conditions

A. Particulate Matter Emission Limitations

Fugitive dust emissions from the construction and operation of the source shall be prevented by taking precautionary measures which shall include, but not be limited to:

1. Use, where possible, of water or chemicals approved by the Department for control of dust in the demolition of existing buildings or structures, or construction operations.
2. Application of asphalt, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem.
3. Covering, or securing, of materials likely to become airborne while being moved on public roads, railroads, or navigable waters.
4. The paving, or maintenance, of roadways, or parking lots, so as to not create air pollution.



**Analysis and Preliminary Determination
on the Approvability of**

**Revision to Permit 90-CPB-068A
Wisconsin Department of Transportation, District 6
Hudson, Wisconsin
(90-CPB-068H)**

Prepared by
Department of Natural Resources
Bureau of Air Management
March 29, 1994

Documents Available for Public Review and Comment

The documents listed below are being made available for 30 days for public review and comment at the locations given in the public notice. Comments may be sent to the address given in the Notice.

1. Public Notice for the proposed project, date anticipated to be on or shortly after April 4, 1994.
2. Analysis and Preliminary Determination on the Approvability of Revision to Permit 90-CPB-068A, March 29, 1994 (this document).
3. Air Pollution Control Permit Application (DNR Form 4500-1A), signed February 3, 1994.

Should anyone wish more detailed information, the DNR's complete case file for this project can be inspected at the Department's Bureau of Air Management on the seventh floor of the Natural Resources Building (GEF II), 101 South Webster, Madison, Wisconsin.

Summary

Any facility which conveys or attracts motor vehicle traffic is considered an "indirect source" of air pollution because of the air contaminants emitted by the vehicles. Under its rules governing indirect sources, the DNR is required to review any proposal for revision to an existing indirect source permit. Such a request must have a revised air pollution control operation permit before the revision is commenced.

The Wisconsin Department of Transportation, District 6, 718 West Clairemont Avenue, Eau Claire, Wisconsin, 54701, has applied for a revision to permit number 90-CPB-068A to relocate their carbon monoxide ambient air monitor currently located at the intersection of I-94 and Carmichael Road near Hudson (St. Croix County) to a site in Vernon County.

Based on a review of the data from the monitor for the two years of operation, ambient carbon monoxide concentrations at the monitor are low, and unless a significant increase in traffic volumes is realized, no violations of either the one-hour or eight-hour carbon monoxide standards will occur. In addition, another carbon monoxide ambient air monitor exists less than 2 miles from the DOT site, associated with the St. Croix Meadows Dog Racing Track, closer to any potential future development.

Introduction

This Analysis and Preliminary Determination on the Approvability of Revision to Permit 90-CPB-068A, has been prepared, by the DNR, in accordance with the statutes and rules governing its review and approval of revisions to operation permits. Air pollution control permits for the construction and operation of

The roadway are required because after this roadway is constructed, it will have the potential to impact a receptor over 75 % of the NAAQS for carbon monoxide. The purpose of the DNR's review of projects of this size is to prevent air pollution problems which could be caused by the air contaminants emitted by the motor vehicles traveling on the roadway.

The application, this document, and the other documents listed on page 1 are being made available for 30 days for public review and comment as required by the statutes governing DNR action on revision to operation permits. After close of the comment period, and following the public hearing, if one is needed, the DNR has 60 days to take final action on the application for revision to permit for the project.

Permit Requirements

As an existing, minor source, the project is required to have an operation permit from the DNR under s. 144.391(2)(b), Wis. Stats. The procedure for applying for these permits and for DNR review of such applications are covered in s. 144.392, Wis. Stats., and chapters NR 406 and 407, Wis Adm. Code. Criteria for permit approval are given in s. 144.393, Wis. Stats. The Ambient Air Quality Standards are given in sec. NR 404.04, Wis Adm. Code. These various requirements are designed to avoid unacceptable air quality impacts. In the case of an indirect source, such as a roadway, the chief concern is the carbon monoxide emitted by the vehicles traveling along the roadway.

Air Quality Impact Analysis

Based on two years of monitoring data collected at the DOT monitor located near the intersection of I-94 and Carmichael Road near Hudson, all ambient carbon monoxide standards are being met, and unless a significant increase in traffic volumes is realized, the ambient air quality standards for carbon monoxide will continue to be met.

TABLE 1		
HIGH 2ND HIGH VALUES Monitor @I-94/Carmichael Road (All Concentrations in ppm)		
	1-HOUR	8-HOUR
1991	3.4	2.0
1992	2.7	1.9

Preliminary Determination

The DNR has therefore preliminarily determined that approval should be granted to the Wisconsin Department of Transportation, District 6 to relocate their carbon monoxide ambient air monitor from the intersection of I-94 and Carmichael Road near Hudson (St. Croix County) to a site in Vernon County. The final determination of the approvability of the revision, and issuance of the air permits, if approval or conditional approval is granted, will occur within 60 days after the close of the public comment period, or within 60 days after the public hearing, if one is held pursuant to requests for a hearing received by the DNR during the comment period.